

PETITION FOR A WRIT OF CERTIORARI
IN POST-CONVICTION RELIEF ACTIONS

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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

ROBIN B. STILWELL, CIRCUIT COURT JUDGE

LOWER COURT CASE NO. 2014-CP-23-01895

APPELLATE COURT CASE NO. 2015-002251

George Cleveland, III,

S.C.D.C. NO. 357770,

v.

STATE OF SOUTH CAROLINA,

PETITIONER,

RESPONDENT.

PETITION FOR A WRIT OF CERTIORARI

OFFICE OF THE ATTORNEY GENERAL
KAREN C. RATIGAN, ESQUIRE
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PROSE PETITIONER

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1.

QUESTION PRESENTED:

1. whether the circuit court erred in denying my motion for sanctions against Senior Deputy Assistant Attorney General Karen C. Ratigan under the South Carolina Frivolous Civil Proceeding Sanctions Act § 15-36-10 (d) without allowing an opportunity for an response of a least thirty (30) days as required by this Act?

1.

2.
STATEMENT OF THE CASE:

ON OR AROUND APRIL 20, 2015, I MAILED A VERY DETAILED RULE 52(b) SCRCP MOTION TO AMEND THE P.C.R. ORDER OF DISMISSAL WHICH WAS REQUESTED BY AND THROUGH AN EX PARTE COMMUNICATION BETWEEN JUDGE DANIEL P. HALL,¹ AND SENIOR ASSISTANT DEPUTY ATTORNEY GENERAL KAREN C. RATIGAN (HEREINAFTER A.G. RATIGAN):

"PURSUANT TO YOUR REQUEST, ENCLOSED PLEASE FIND A PROPOSED ORDER OF DISMISSAL," R.P.P. 1-9.

THE PROPOSED ORDER OF DISMISSAL TURNED INTO AN RUBBER-STAMPED ORDER OF DISMISSAL,² THEREAFTER, R.P.P. 10-17.

IN MY RULE 52(b) MOTION, I ARGUED THE ORDER OF DISMISSAL FAILED TO ADDRESS MY SPECIFIC ISSUES RAISED. AT MY P.C.R. HEARING, ADMITTED EXHIBIT, AND FILED DOCUMENTS WITH THE GREENVILLE COUNTY CLERK OF COURT;

1. P.C.R. JUDGE WHO PRESIDED OVER MY FEBRUARY 18, 2015 P.C.R. HEARING.

2. COMPARE R.P.P. 1-9 WITH R.P.P. 10-17.
2.

stolen vehicles crossed state-lines; Federal
Jurisdiction (The Dyer Act), R.p.p. 23 - 30 ;
Defective Indictments, R.p.p. 31 - 37 ;
Due Process Violations, R.p.p. 38 - 44 ;
ILLEGALLY OBTAINED EVIDENCE, R.p.p. 45 - 51 ;
MERCY ON THE COURT ARGUMENT, R.p.p. 51 - 52 ;
closey Connected offenses AS ONE, R.p.p. 52 - 54 ;
Exculpatory Evidence, R.p.p. 55 - 57 .

The order of Dismissal Reasoned the Following:

Defective indictments; subject matter jurisdiction,
R.p. 15 .

Court Rejected Argument: pka Judge lacked subject
matter jurisdiction... "because cars may have crossed
state-lines" R.p. 15 .

A.G. RATIGAN responded to my Rule 52 (b) motion on
OR AROUND MAY 15, 2015, and stated the following
relevant part:

"Respondent submits the final order of dismissal

IN THIS CASE CONTAINED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON EVERY ISSUE THAT WAS RAISED AT THE P.C.R. HEARING "... R.P. 20,

"Applicant is not requesting either an alteration or Amendment to the Final order." IBID.

"Respondent submits the post-conviction relief court fully reviewed and properly ruled upon all issues and that the 'Plaintiff's Rule 52(b) motion to the court's order of dismissal of (P.C.R.)' must be denied" R.P. 20.

ON OR AROUND November 16, 2016, I mailed to the Greenville County clerk of court my motion for sanctions against A.G. Ratigan under FCPA § 15-36-16 et seq. for introducing frivolous defense. IN AN EFFORT TO SECURE AN IMPROPER ADJUDICATION by filing the state's return to my Rule 52(b). R.P. 58.

ON December 03, 2015, Judge Robin B. Stilwell denied

My motion without AN HEARING OR AN 30-day waiting period the order was filed on December 09, 2015. R.P.P. 59 - 60,

ON OR AROUND December 23, 2015, I mailed to the clerk of court, id., my Rule 59(e) S.C.R.C.P. and filed on JANUARY 08, 2016, R.P.P. 61 - 67. I ARGUED the following:

the court did not allow me to filing of memorandum OF OR the state to file one; Rule 56(c); 12(c), 77(b) S.C.R.C.P., AND Due PROCESS violation, R.P.P. 62 - 63.

ON JANUARY 15, 2016, Judge Stilwell denied my Rule 59(e) motion which was filed on JANUARY 27, 2016, R.P.P. 68 - 69.

This petition FOR CERTIORARI ON whether F.C.P.S.A. requires AN opportunity FOR A.G. RATIGAN. AN 30-day time.

3.
ARGUMENT
FCPSA REQUIRES OPPORTUNITY
FOR A.G. RATIGAN TO
RESPOND:

The South CAROLINA Frivolous Civil Proceedings
5.

Sanctions Act (F.C.P.S.A.), S.C. Code Ann. § 15-36-10 (b)(4)(A)(ii) state the following relevant part:

(d) "A person is entitled to notice and opportunity to respond before the imposition of sanctions A party proposing a sanction pursuant to this section shall notify the court and all parties of the conduct constituting a violation of the provisions of this section and basis for the potential sanction imposed upon notification, the attorney, party, or pro se litigant who allegedly violated subsection (A)(4) has thirty days to respond to the allegations"

Judge Stilwell abused his discretion by not allowing thirty days for A.G. RATIGAN to respond before ruling on my motion, despite F.C.P.S.A. demanded the circuit court allow "an opportunity" for an response, but Judge Stilwell was in a race to sign the Form-4 judgment document, he even misspelled A.G. RATIGAN's last name:

“Applicants [sic] motion for sanctions against Assistant Attorney General Karen E. Ratigan³ is denied.” R.P. 59. I even had to request under the South Carolina Freedom of Information Act (F.O.I.A.) from the S.C. Court Administration what judge signed the Form-4 from his Judge Code, R.P. 70.

I'm stoked at the iron-clad lock on the Greenville County Courthouse doors when it comes to this case - receiving proper adjudication:

“The courts of this state shall be deemed always open for the purpose of filing any pleadings . . .” Rule 77(A) SCRCP.

Judge Stilwell refused to answer the courthouse door when it comes to this case even though FCPA.

3. Proper spelling: Ratigan, see R.P. LC Letter written and signed by A.G. Ratigan.)

CAME knocking:

"All [hearing] upon the merits shall be conducted in open court, ..." Rule 77(b) S.C.R.P.

"When the language of a statute is clear and explicit, a court cannot rewrite the statute [by sprinting to the Greenville County clerk's office for filing an Form-4 judgment form]."

Holmes v. East Cooper Community Hosp., Inc.

408 S.C. 138, 758 S.E. 2d 483 (2014) *id.*, at 491 (hereinafter Holmes).

In other words, Judge Stilwell are bound by F.C.P.S.A. which required his court to allow no less than 30-days before deciding any judgment which caused an error of law, I suffered prejudice

under S.C. Code Ann. § 15-36-10 (d), *supra*, at p. 14, *id.* because Judge Stilwell abused his discretion

under *Father v. S.C. Dept. of Soc. Servs.* 353, S.C. 254, 260, 578 S.E. 2d 11, 14 (2003), *id.*, at 14, accordingly,

certiorari should be granted to correct the error of law.

Holmes demonstrated how the judicial process should work:

“
... circuit court Judge R. Markley Dennis JR. wrote:

“... [S]he [DR. Holmes] request the court to review whether the failure to process and consider [S] her application for associate status and surgical privileges, her reappointment to the consulting staff, and the denial of an administrative hearing were reasonable.” id. at 487.

Judge Dennis applied the facts to the case by reading, taking his time, and holding an hearing, further, circuit court Judge Kristi Lee Harrington awarded sanctions against DR. Holmes after again, reading, taking her time, and holding an hearing:

“... by ‘initiating and continuing of subject matter jurisdiction, despite a prior ruling against [Appellant] that this court lacks

subject matter jurisdiction and despite being sanctioned for arguing that this court has subject matter jurisdiction in a previous case based on the very same allegations? ... IFBID

Both examples of Judge Dennis, and Harrington are relevant here because they show what Judge Stilwell failed to do, i.e., reading, taking his time, etc. .

Judge Stilwell quick decision was not being faithful to the law, and demonstrates he does not have the patience required under Rule 3 CJC, Rule 501, 5 CACR.

B. Adjudicative responsibilities

... (2) A judge shall be faithful to the law. ... 11

... (4) A judge shall be patient. ... 11

Judge Stilwell's judicial conduct fell below what Canon Rule -3 requires.

4 CONCLUSION:

Judge Stilwell failed to allow A.G. Ratigan at least 30-days to respond to my sanctions motion which is required under F.C.P.S.A. The quick decisions like this one, id., puts an heavy burden on the court system, e.g. Greenville County clerk of court, this court, Turbeville Correctional's mail-room staff, and wasted state resources.

I urge this court to **GRANT** this certiorari petition, the evidence attached to this petition, by way of the appendix shows there was ample evidence to support sanctions with the frivolous response by A.G. Ratigan. I submit the quick decision by Judge Stilwell was an conspiracy between A.G. Ratigan and Judge Stilwell to manipulate the law by denying my sanctions motion before the 30-day deadline because after that deadline, the court would of presumptively ruled in my favor because

of All the probative Evidence Against A.G. Ratigan.
OUR COURT system is RIGGED in favor of the
party with the most power, And this is the
second example⁴ of how A.G. RATIGAN has HI-
JACKED the south CAROLINA system in Greenville
County, S.C. .

WHEREFORE; GRANT MY PETITION FOR A WRIT OF
CERTIORARI on the question presented, or minor
changes to the question presented that pleases
this court.

ORDER FULL BRIEFING on this matter:

REMAND back to Judge Robin B. Stilwell of the
thirteenth (13th) Judicial circuit or another circuit
Judge that pleases this court for further
proceedings consistent or inconsistent with any
subsequent order.

4. First was my FILED P.C.R. CERTIORARI Petition which
proves ~~EX-PARTE~~ communication, constitutional AND
statutory violations.

REVERSE Judge Robin B Stilwell's decision,
Any other RELIEF this court deems JUST
PROPER, And/or equitable,

Respectfully submitted,
~~George Cleveland~~
George Cleveland #357770
TURBEVILLE CORRECTIONAL INST.
P.O. Box 252
TURBEVILLE, S.C. 29162.

Dated: APRIL 15, 2016.